

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Confirmation No.: 9260
Paul S. Enfield)
Serial No.: 09/902,923) Examiner: Elaine L. Gort
Filed: July 10, 2001) Group Art Unit: 3627
For: INFORMATION, DIRECTORY,)
LOCATION AND ORIENTATION)
SYSTEM FOR RETAIL STORES AND)
THE LIKE)

SECOND DECLARATION OF PAUL ENFIELD UNDER 37 C.F.R. § 1.132

I, Paul S. Enfield, hereby declare:

1. I am the sole inventor of the above-identified application.
2. I am a consultant providing design and project management services for grocery construction projects.
3. I received a B.A. from the University of Washington College of Architecture and Urban Planning and also completed two years of graduate work.
4. I have over 40 years of experience in the grocery field to which the above-identified application relates.
5. I am familiar with the documents of Ramey (U.S. Patent No. 5,297,685) in view of Begum et al. (U.S. Patent No. 6,012,244, hereinafter "Begum") and Porter et al. ("The influence of brand recognition on retail store image," The Journal of Product and Brand Management, Santa Barbara, 1997, vol. 6, No. 6, page 373, hereinafter "Porter"), which are relied upon by the Examiner in making the rejection of claims of the above-identified application in the Final Office Action mailed on December 13, 2007.
6. The claimed subject matter describes a directory system that benefits both the customer and store operator. In a previous declaration by David Weber, who served as store

manager in a store testing the claimed directory system, Mr. Weber noted that my invention:

- was well appreciated by customers for being quick and easy to use,
- provided memory hooks that helped customers build a familiarity with the store, which increased customer retention, and
- was helpful for shoppers who could not read English or who had impaired sight, which increase sales to this market segment.

In a very competitive industry, these differentiators add to a store's convenience rating and significantly increase profitability.

7. The claimed subject matter also provides a significant benefit to a supplier shown on the signage. I participated in a study conducted after the opening of the first store using this directory system and as noted in our original patent application. In that store, for the three months after signs according to pending independent claim 17 were installed, sales of products having their brand name representations pictured on the signs and sales of related products carrying the same brand showed relative sales increases averaging over 35%, when compared with stores of the same chain not using the signs. Not only was this increase itself significant, but its sheer magnitude was totally unexpected in an environment in which competitive advantages are commonly measured in low unitary amounts.

8. Ramey describes a very useful indexing system, but it does not lead one to an application for a store directory, much less still the claimed combination of a plurality of display signs and a store facility utilizing a plurality of brand name product representations of products. Consider the uses of each system:

	Ramey	Enfield
Purpose	Functions as an index, helping a user to discriminate among all available products.	Functions as a directory, helping users to locate general categories of products.
Quantity	Shows all products in a category to illustrate differentiation.	Shows only a few representative products, usually fewer than 1%.
Representation	Show diagrammatic cross-sections of actual materials.	Shows full visual of the packaged containing a product in the form of a brand name product representation.
Use of brand logos	Relies on generic names of most moldings.	Relies of easily identified packaging, which features logos.
Area of use	Limited to a display of bulk commodities such as moldings and other related mill work.	To maximize the value to the customer as a complete system, it is used throughout the store.
Time of interaction	Many minutes as the user compares and contrasts products in making a selection.	Frequently less than a second as a shopper scans signs and understands the categories available in an aisle.

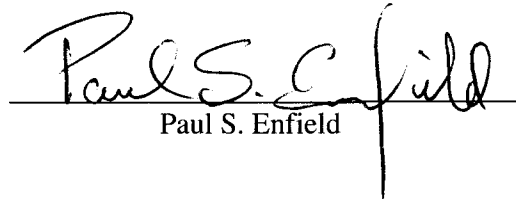
9. The claimed subject matter, furthermore, is not obvious, even to others closely involved in the industry. Those working in large national businesses are so specialized that they generally are not focused on the interaction between various departments. An understanding of the benefits of this system requires involvement of marketing, store operations, and store development and facilities. In large companies this interaction on a granular level is very difficult and therefore highly infrequent. Conversely, in smaller regional operations, staff and owners rarely take the time necessary to identify such opportunities.

10. The claimed subject matter, therefore, not only satisfies a long-felt need by making grocery shopping just a little easier, but also has proven to be profitable for both the

store operator and the supplier of the products illustrated on the signs.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 11, 2008


Paul S. Enfield